

Senate Bill No. 1515

CHAPTER 174

An act to add Section 53312.8 to the Government Code, relating to community facilities districts.

[Approved by Governor July 11, 2002. Filed with
Secretary of State July 12, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1515, Machado. Community facilities districts: exclusions.

Existing law, the Mello-Roos Community Facilities Act of 1982, provides a method for local agencies to finance certain public capital facilities and services by the establishment of a community facilities district and the imposition of special taxes. Existing laws grant landowners who voluntarily agree not to develop their property various benefits under open-space easements, Williamson Act contracts, farmland security zone contracts, conservation easements, and agricultural conservation easements.

This bill would provide that territory that is subject to any of those easements or contracts may not be included within or annexed to a community facilities district that provides or would provide facilities or services related to sewers, nonagricultural water, or streets and roads unless the landowner consents. With respect to territory included in a community facilities district by landowner consent as required by the bill, the bill would prohibit termination of an easement or cancellation of a contract prior to the release of the land from specified liens.

The people of the State of California do enact as follows:

SECTION 1. Section 53312.8 is added to the Government Code, to read:

53312.8. (a) Territory that is dedicated or restricted to agricultural, open-space, or conservation uses may not be included within or annexed to a community facilities district that provides or would provide facilities or services related to sewers, nonagricultural water, or streets and roads, unless the landowner consents to the inclusion or annexation of that territory to the community facilities district.

(b) Notwithstanding any other provision of law, and except as provided in subdivision (c), if a landowner consents to the inclusion or annexation of territory in a community facilities district pursuant to subdivision (a), the landowner and any local agency may not terminate

any easement or effect a final cancellation of any contract with respect to any portion of the land included within or annexed to the community facilities district prior to the release of land that is the subject of the proposed termination or cancellation from all liens that arise under the community facilities district for any sewers, nonagricultural water, or streets and roads that did not benefit land uses allowed under the contract or easement.

(c) Subdivision (b) shall not apply to any of the following:

(1) Land under a contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1) included in a community facilities district for which a tentative map may be filed pursuant to paragraph (3) of subdivision (d) of Section 66474.4 or for which a tentative cancellation has been approved.

(2) Land subject to a conservation easement entered into prior to January 1, 2003.

(3) Land included in a community facilities district prior to the imposition of an enforceable restriction listed in subdivision (d) or prior to January 1, 2003.

(4) Land subject to an enforceable restriction listed in subdivision (d) that expressly waives the requirement of subdivision (b).

(d) As used in this section, “territory that is dedicated or restricted to agricultural, open-space, or conservation uses” means territory that is subject to any of the following:

(1) An open-space easement entered into pursuant to Chapter 6.5 (commencing with Section 51050) of Part 1 of Division 1.

(2) An open-space easement entered into pursuant to the Open-Space Easement Act of 1974 (Chapter 6.6 (commencing with Section 51070) of Part 1 of Division 1).

(3) A contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1).

(4) A farmland security zone contract created pursuant to Article 7 (commencing with Section 51296) of Chapter 7 of Part 1 of Division 1), except as otherwise provided in Section 51296.4.

(5) A conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Title 2 of Part 2 of Division 2 of the Civil Code.

(6) An agricultural conservation easement entered into pursuant to Chapter 4 (commencing with Section 10260) of Division 10.2 of the Public Resources Code.



(7) An agricultural conservation easement entered into pursuant to Section 51256.

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